



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, March 8, 2006

9:00 a.m.
City Council Chambers
City Hall

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Joseph Horwedel, Acting Director
Director Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **March 8, 2006**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Gina Robles (gina.robles@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. PD05-065. Planned Development Permit** to construct a 33,555 square foot neighborhood commercial center on a 2.51 gross acre site in the A(PD) Planned Development Zoning District, located on the east side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue (2266 Senter Road) (Green Valley Corporation, dba Barry Swenson Builder, Owner). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration (File No. PDC04-111). **Deferred from 2/22/06.**
- b. H05-058. Site Development Permit** request to install a 3,000 gallons liquid Nitrogen tank at an existing industrial facility on a 5.8 gross acres site in the IP Industrial Park Zoning District, located on the northeast corner of Orchard Parkway and Charcot Avenue (2300 ORCHARD PY) (Nexus Equity Ii Llc, Owner). Council District 4. SNI: None. CEQA: Exempt.
- c. TR05-142. Tree Removal Permit** for one (1) Siberian Elm, approximately 62" in circumference, removed without the benefit of a permit on a 0.16 gross acre site. in the R-1-8 Single-Family Residence Zoning District, located at/on the 5481 Begonia Drive (Thomas Larry A And Evelyn, Owner). Council District 9. CEQA: Exempt.
- d. TR06-010. Tree removal permit** for one Yucca Treet (multi-trunk, 84" in circumference) on a 0.18 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at/on the 2310 Walden Square (Sheehy Michael C And Kathleen C Trustee, Owner). Council District 6. CEQA: Exempt.

- e. **TR06-008. Tree removal permit** to request the removal of one fruitless Mulberry tree, approximately 88 inches in circumference, located on the east side of Menker Avenue, approximately 150 south of Kingman Avenue (770 Menker Avenue) in the R-1-8 Single-Family Residence Zoning District, (Slater Charles D And Betty L Trustee, Owner). Council District 6. CEQA: Exempt.
- f. **HA02-062-01. Tree Removal Permit** to allow removal of two Magnolia trees (85 and 66 inches in circumference) on a one-acre site in the CO Office Commercial Zoning District, located at the southwest corner of Forest Avenue and Ciro Avenue (125 CIRO AV) (Green Valley Corp Et Al, Owner/Developer). Council District 6. CEQA: Exempt.
- g. **TR06-012. Tree Removal Permit** request to remove one Sycamore tree 102-inch circumference on 0.17 gross acres. in the R-1-8 Single-Family Residence Zoning District, located at 2237 Grey Court, approximately 55 feet west of Kunkel Drive. (2237 GREY CT) (Mr Samer Youssef, Owner). Council District 9. CEQA: Exempt.
- h. **TR06-013. Tree Removal Permit** request to remove one (1) Ginkgo tree, 88 inches in circumference on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 2598 Hill Park Drive (Loy Henry L And Larene W Trustee, Owner). Council District 9. CEQA: Exempt.
- i. **SP05-067. Special Use Permit** to allow a pre-built deck and a parking reduction to allow a one-car garage for an existing legal non-conforming single-family residence on a 0.10 gross acre site in the LI Light Industrial Zoning District, located at/on the south side of Cinnabar Street approximately 95 feet northeasterly of WestJulian Street (968 CINNABAR ST) (Grove James O, Owner/Developer). Council District 6. SNI: None. CEQA: Exempt.
- j. **PDA04-069-01. Planned Development Permit Amendment** request to amend the condition of the previously approved permit to extend construction hours to weekends on a 0.421gross acre site in the A(PD) Planned Development Zoning District, located on the south side of Murphy Avenue approximately 100 feet west of Deluca Drive (9719 TRACT) (Silicon Valley Habitat Humanity Inc Robert Freiri, Owner). Council District 4. SNI: None. CEQA: Exempt.
- k. **HA62-154-01. Tree removal permit** requesting to remove one Carob Tree, approximately 75" in circumference, on a multi-family property in the R-M Multiple Residence Zoning District, located on the west side of Francisco Street,approximately 225 feet north of Stokes Street (1193 Francisco Avenue) (Huang Amanda Tze-Yin, Owner). Council District 6. SNI: None. CEQA: Exempt.
- l. **PD05-093. Planned Development Permit** request to construct one single-family detached residence on a 0.3 gross acre site in the CP(PD) Planned Development Zoning District, located on the north side of Elizabeth Street, approximately 200 feet easterly of Hope Street (Gross Robert J And Shelly C, Owner). Council District 4. SNI: None. CEQA: Exempt.

- m. **HA00-038-01. Site Development Permit Amendment** to allow architectural modifications to the existing structure and the removal of four ordinance-size Redwood trees (109, 67, 62 and 58 inches in circumference) in the IP Industrial Park Zoning District, located at the northwest corner of North First Street and Rio Robles Drive (3553 N 1ST ST) (Netiq Corporation, Owner). Council District 4. CEQA: Exempt.
- n. **TR06-011. Tree Removal Permit** request to remove one Mimosa tree, 63 inches in circumference on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 2855 Agua Vista Drive (Keish Brian F, Owner). Council District 4. CEQA: Exempt.

The consent calendar is now closed.

3. PUBLIC HEARING

a. The project being considered is:

- 1. **PD05-062. Planned Development Permit** to construct 46 single-family attached residences with off-site parking arrangements on a 2.2 gross acre site in the A(PD) Planned Development Zoning District, located at/on the southeast corner of Curci Drive and St Elizabeth Drive (1460 CURCI DR) (Pinn Brothers Properties, Owner/Developer). Council District 6. SNI: None. CEQA: Negative Declaration.
 - 2. **PT05-080. Planned Tentative Map Permit** to reconfigure three parcels into one lot for 46 single-family attached residences on a 2.2 gross acre site in the A(PD) Planned Development Zoning District, located at/on the southeast corner of Curci Drive and St Elizabeth Drive (1460 CURCI DR) (Pinn Brothers Properties, Owner/Developer). Council District 6. SNI: None. CEQA: Negative Declaration.
- b. SP05-053. Special Use Permit** to allow changes to existing parking and access and off-site parking arrangements at an existing daycare facility on a 0.6 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the easterly terminus of McKinley Avenue (1544 MCKINLEY AV) (Sisters Of The Holy Family, Owner/Developer). Council District 6. SNI: None. CEQA: Exempt.
- c. SP06-005. Special Use Permit** to allow late night use until 4:00 a.m. for an existing restaurant on a 2.39 gross acre site in the DC Downtown Primary Commercial Zoning District, located at/on the west side of S. 2nd Street, approximately 160 feet southerly of E. San Fernando Street (150 S 1ST ST) (Sfc Retail Associates - Tenant, Owner). Council District 3. SNI: None. CEQA: Exempt.
- d. SF05-044. Single Family House Permit** proposing demolition of existing 1,092 square foot house and construction of a new 3,764 square foot two-story residence with an FAR of 0.59. in the R-1-8 Single-Family Residence Zoning District, located on the east side of Tulip, approximately 400 feet south of Newhall (2200 TULIP RD) (Nunes Orlando J And Ana M, Owner). Council District 6. SNI: None. CEQA: Exempt.

- e. **H05-042. Site Development Permit** to allow construction of a 13,821 square foot, two-story retail/office building on a 0.88 gross acre site in the CN Neighborhood Commercial Zoning District, located at the northwest corner of Story Road and McLaughlin Avenue (1145 STORY RD) (Story-Mc Laughlin Plaza LLC Nguyen Kim Hue, Owner). Council District 7. SNI: None. CEQA: Addendum to Negative Declaration.
- f. **H05-050. Site Development Permit** to construct additions for a total of 980 square feet to an existing dental office and allow associated site improvements on a 0.31 gross acre site in the CN Neighborhood Commercial Zoning District, located on the north side of Tully Road, approximately 90 feet easterly of Lanai Avenue (1605 Tully Road) (Christopher Viray, Owner). Council District 7. SNI: K.O.N.A., West Evergreen. CEQA: Exempt.
- g. **H04-037. Site Development Permit** to allow construction of a one-story commercial building containing approximately 2,900 gross square feet on a 0.09 gross acre site in the DC Downtown Primary Commercial Zoning District, located at/on the northwest corner of North Second and Devine Streets (257 N 2ND ST) (Harding Walter, Owner). Council District 3. SNI: None. CEQA: Exempt.
- h. **SP06-006. Special Use Permit** to allow late night use until 2:00 a.m. daily at an existing restaurant (Stratta Grill and Bar, LLC) on a 0.06 gross acre site in the DC Downtown Primary Commercial Zoning District, located at/on the north side of E. San Fernando Street approximately 100 feet southwest of S. 3rd Street (71 E SAN FERNANDO ST) (Lawerence Building Co., Owner). Council District 3. SNI: None. CEQA: Exempt.
- i. **SP06-004. Special Use Permit** to allow late night use until 3:00 a.m. daily for an existing restaurant on a 0.12 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the east side of South 3rd Street, approximately 220 feet southerly of East San Carlos Street (Macho Taqueria) (330 S. 3rd Street) (Maduro Investments Llc, Owner). Council District 3. CEQA: Exempt.

This concludes the Planning Director's Hearing for March 8, 2006. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/default.asp>
PUBLIC INFORMATION COUNTER
(408) 535-7800 CITY OF SAN JOSE